

**Manitoba Residential
Tenancies Commission**

**Annual Report
2010**





MINISTER OF
FAMILY SERVICES AND CONSUMER AFFAIRS

Room 357
Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

His Honour the Honourable Philip Lee, C.M., O.M.
Lieutenant Governor of Manitoba
Room 235, Legislative Building
Winnipeg, Manitoba
R3C 0V8

May it Please Your Honour:

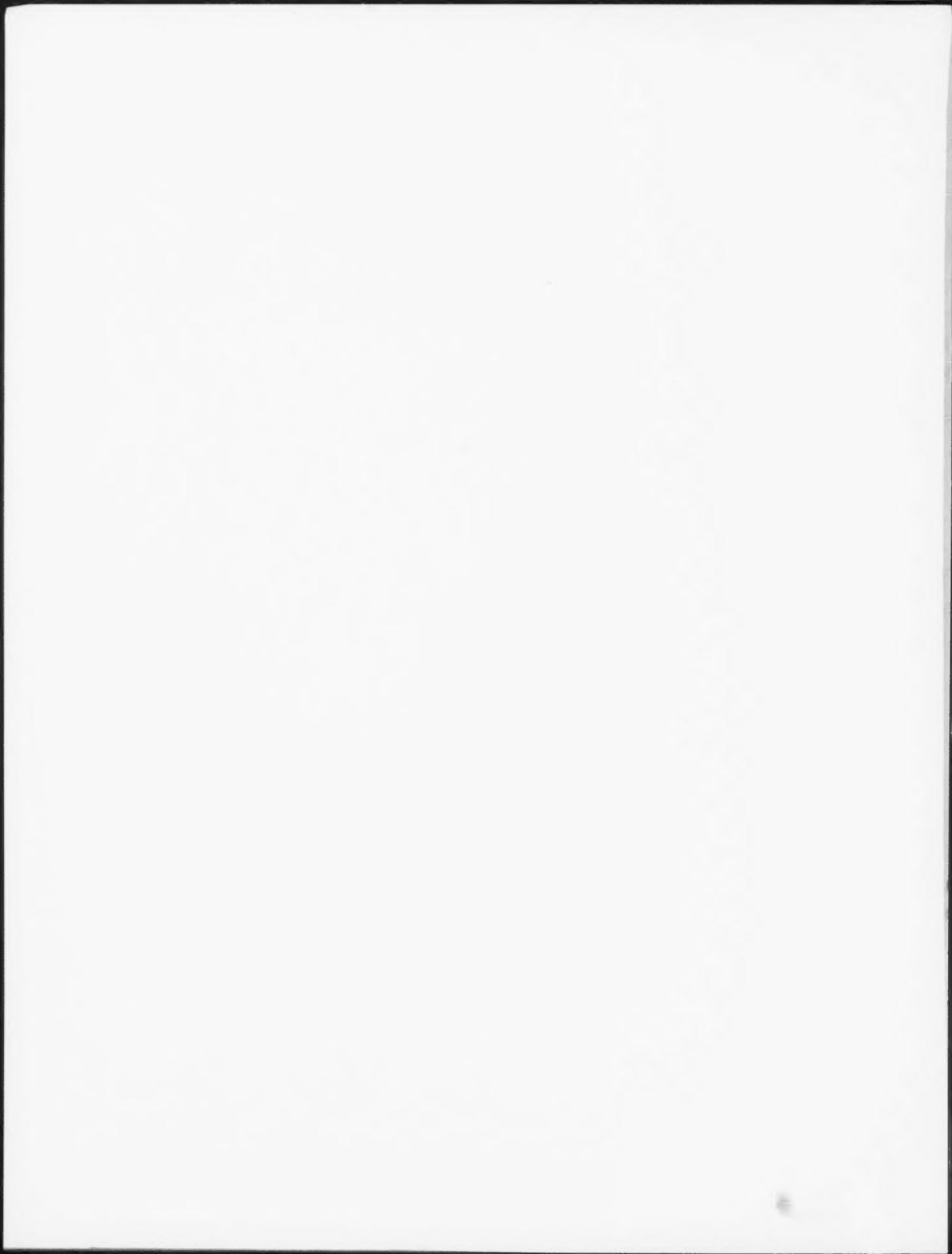
i have the privilege of presenting for the information of your Honour, the Annual Report of the Residential Tenancies Commission on the administration of *The Residential Tenancies Act* for the year ending December 31, 2010.

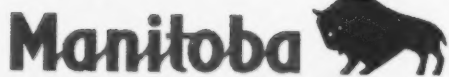
Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Gord Mackintosh".

Gord Mackintosh







Family Services and Consumer Affairs

Residential Tenancies Commission
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Honourable Gord Mackintosh
Minister of Family Services and Consumer Affairs
Room 357, Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Sir:

I have the honour of submitting the Residential Tenancies Commission Annual Report on the administration of *The Residential Tenancies Act* for the year ending December 31, 2010.

Respectfully submitted,

A. L. Kussin
Chief Commissioner
Residential Tenancies Commission

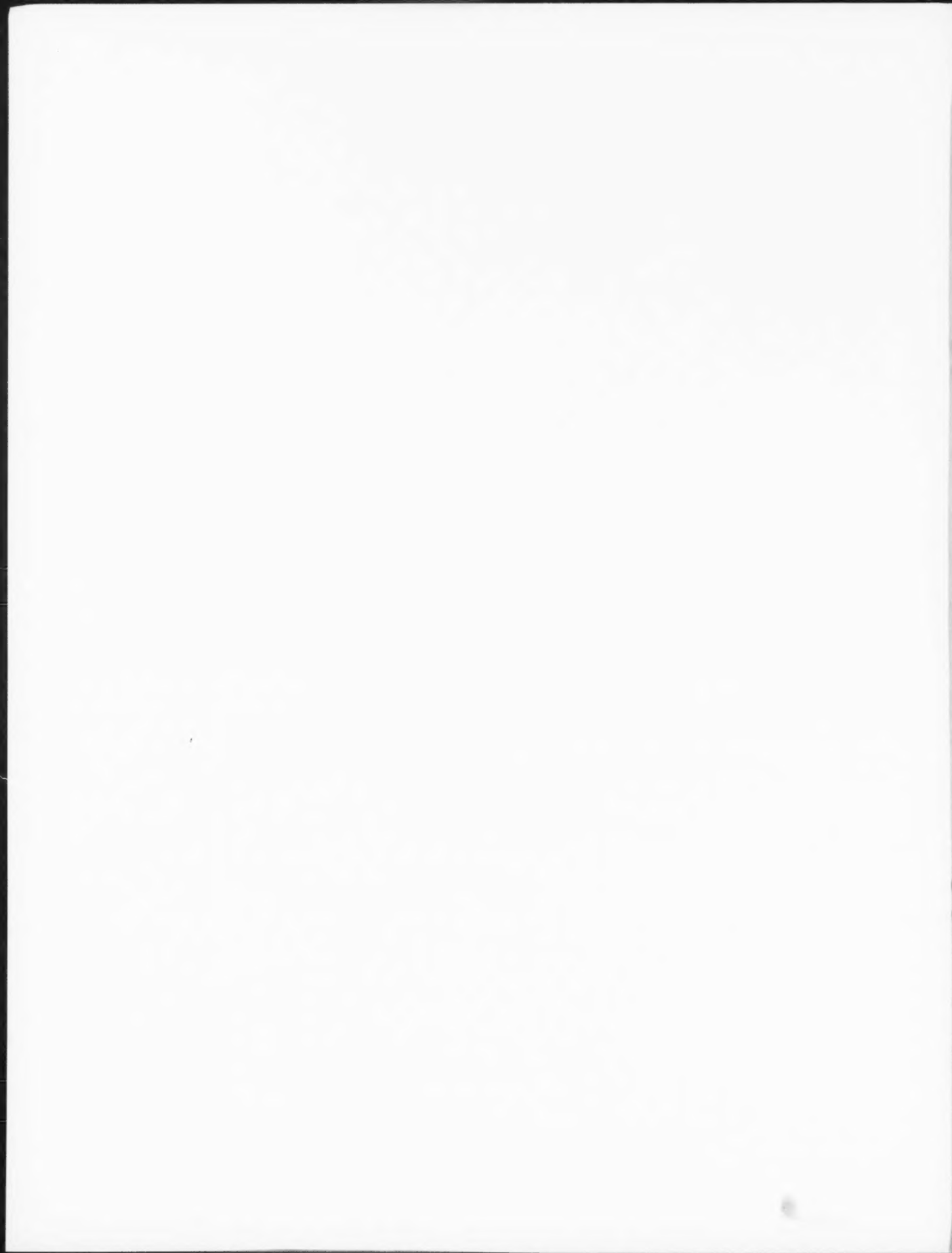


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INTRODUCTION

The Residential Tenancies Commission is a quasi-judicial, specialist tribunal that hears appeals from decisions and orders of the Director of the Residential Tenancies Branch under *The Residential Tenancies Act*.

The Residential Tenancies Commission consists of:

- The Chief Commissioner - a full-time position; appointed for up to a five-year term, located in Winnipeg.
- Deputy Commissioners – one full-time position appointed for up to a four-year term and eighteen part-time positions appointed for up to a four-year term, from Winnipeg, Thompson and Brandon. The Deputy Commissioner may exercise the powers and perform the duties of the Chief Commissioner.
- Panel members – forty-one panel members – approximately half representing the views of the landlords, the others the views of the tenants; from Winnipeg, The Pas, Thompson and Brandon.

The Commission may conduct hearings orally, in person or by telephone, in writing or partly orally and partly in writing. Hearings outside of Winnipeg are held at the nearest judicial district.

Some appeals are heard only by the Chief Commissioner or Deputy Chief Commission and some appeals are heard by a panel of three consisting of one landlord and one tenant representative and either the Chief Commissioner or a Deputy Chief Commissioner as the neutral Chairperson. The neutral Chairperson also casts the deciding vote if there is a tie.

The Residential Tenancies Commission decisions in Part 1 – 8 matters can be appealed to the Court of Appeal, but only on a question of law or jurisdiction. A Court of Appeal judge must grant leave or permission to appeal. Section 179 of *The Residential Tenancies Act*

dealing with rent regulation states that: "*No appeal lies from a decision or order of the commission made in a matter arising under Part 9.*" The Residential Tenancies Commission's decision here is final.

The Residential Tenancies Act requires the Chief Commissioner to submit a report on the administration of the Act to the Minister within six months after the end of each fiscal year. The reporting period for this report is the 2010 fiscal year. Figures for the 2009 fiscal year have also been provided for purposes of comparison. The statistics are broken down by activity, i.e. security deposits, repairs, utilities.

APPEAL ACTIVITY SUMMARY

PARTS 1 – 8 OF *THE RESIDENTIAL TENANCIES ACT*

Parts 1 – 8 of *The Residential Tenancies Act* deal with all residential landlord and tenant matters, except for rent regulation. Table 1 provides a statistical summary of the activities of the Residential Tenancies Commission under Parts 1 – 8 of the legislation. During 2010 the Commission received 395 appeals under Parts 1 – 8 of *The Residential Tenancies Act*. The Commission received 348 appeals of orders resulting from Branch hearings and 22 appeals of claims for security deposit or less. The remaining 25 appeals were related to various other issues such as orders to repair, non-payment of utilities, disputes over locks and doors and seizure of tenants' property.

The Commission processed 363 cases before year-end. The Commission confirmed or upheld the Residential Tenancies Branch's decisions in 140 instances. The Commission varied 151 of the Branch's decisions. These variations sometimes occurred because the Commission received information from the parties at the appeal hearing that the Branch did not have before issuing its decision. The Commission rescinded 44 decisions of the Branch. Another 28 appeals were either rejected by the Commission or withdrawn by the appellant. Most rejections are caused by late appeals or appeals without a filing fee. Withdrawals are usually due to either: (1) the affected parties being able to reach a settlement; or (2) the appellant changing his or her mind and no longer wishing to continue with the appeal. Six hearings were cancelled and there were 10 motions to extend time to appeal denied. There was one appeal pending at the end of 2010.

In 2010, there were 27 applications to the Court of Appeal for leave to appeal. None were granted. The Court of Appeal denied leave on 18 applications. Two applications for leave were withdrawn. Seven applications for leave to appeal were still pending at the end of 2010.

TABLE 1 - APPEALS
STATISTICAL SUMMARY FOR MANITOBA
PARTS 1 - 8 OF THE RESIDENTIAL TENANCIES ACT

	<u>January 1, 2009 - December 31, 2009</u> (Cases)	<u>January 1, 2010 - December 31, 2010</u> (Cases)
<u>ABANDONMENT OF PERSONAL PROPERTY</u>		
Carried forward from previous year	0	0
Appeals Received	1	0
TOTAL	1	0
Decisions Varied	1	0
TOTAL APPEALS CLOSED	1	0
ACTIVE	0	0
<u>CLAIM FOR SECURITY DEPOSIT OR LESS</u>		
Carried forward from previous year	20	6
Appeals Received	25	22
TOTAL	45	28
Decisions Confirmed	16	11
Decisions Varied	16	5
Decisions Rescinded	4	1
Appeals Withdrawn/Rejected	1	3
Cancelled	0	0
Motion to Extend Time Denied	2	2
TOTAL APPEALS CLOSED	39	22
ACTIVE	6	6
<u>DISPUTES</u>		
Carried forward from previous year	0	0
Appeals Received	0	0
TOTAL	0	0
Decisions Varied	0	0
Decisions Rescinded	0	0
Appeals Withdrawn/Rejected	0	0
Cancelled	0	0
TOTAL APPEALS CLOSED	0	0
ACTIVE	0	0

TABLE 1 - APPEALS
STATISTICAL SUMMARY FOR MANITOBA
PARTS 1 - 8 OF THE RESIDENTIAL TENANCIES ACT

	<u>January 1, 2009 - December 31, 2009</u> (Cases)	<u>January 1, 2010 - December 31, 2010</u> (Cases)
<u>DISTRAINT AND LOCKOUT</u>		
Carried forward from previous year	0	0
Appeals Received	2	0
TOTAL	2	0
Decisions Confirmed	2	0
Decisions Rescinded	0	0
TOTAL APPEALS CLOSED	2	0
ACTIVE	0	0
<u>ENFORCEMENT</u>		
Carried forward from previous year	1	0
Appeals Received	2	1
TOTAL	3	1
Decisions Confirmed	2	1
Decisions Rescinded	1	0
TOTAL APPEALS CLOSED	3	1
ACTIVE	0	0
<u>HEARINGS</u>		
Carried forward from previous year	144	69
Appeals Received	353	348
TOTAL	497	417
Decisions Confirmed	120	122
Decisions Varied	185	137
Decisions Rescinded	59	42
Appeals Withdrawn/Rejected	40	18
Cancelled	2	5
Motion to Extend Time Denied	18	8
Appeals Pending	4	1
TOTAL APPEALS CLOSED	428	333
ACTIVE	69	84

TABLE 1 - APPEALS**STATISTICAL SUMMARY FOR MANITOBA
PARTS 1 - 8 OF THE RESIDENTIAL TENANCIES ACT**

	<u>January 1, 2009 - December 31, 2009</u> (Cases)	<u>January 1, 2010 - December 31, 2010</u> (Cases)
<u>REPAIRS</u>		
Carried forward from previous year	12	3
Appeals Received	23	22
TOTAL	35	25
Decisions Confirmed	12	5
Decisions Varied	12	8
Decisions Rescinded	1	1
Cancelled	1	1
Appeals Withdrawn/Rejected	5	7
Motion to Extend Time Denied	0	0
Appeals Pending	1	0
TOTAL APPEALS CLOSED	32	22
ACTIVE	3	3
<u>UTILITIES</u>		
Carried forward from previous year	1	0
Appeals Received	9	2
TOTAL	10	2
Decisions Confirmed	0	1
Decisions Varied	0	1
Decisions Rescinded	1	0
Appeals Withdrawn/Rejected	8	0
Cancelled	1	0
TOTAL APPEALS CLOSED	10	2
ACTIVE	0	0

TABLE 1 - APPEALS
STATISTICAL SUMMARY FOR MANITOBA
PARTS 1 - 8 OF *THE RESIDENTIAL TENANCIES ACT*

	<u>January 1, 2009 - December 31, 2009</u>	<u>January 1, 2010 - December 31, 2010</u>
	(Cases)	(Cases)
<u>TOTAL APPEALS</u>		
Carried forward from previous year	178	78
Appeals Received	415	395
TOTAL	593	473
Decisions Confirmed	152	140
Decisions Varied	214	151
Decisions Rescinded	66	44
Appeals Withdrawn/Rejected	54	28
Cancelled	4	6
Motion to Extend Time Denied	20	10
Appeals Pending	5	1
TOTAL APPEALS CLOSED	515	363
ACTIVE	78	93

APPEAL ACTIVITY SUMMARY

PART 9 OF *THE RESIDENTIAL TENANCIES ACT*

In 2010, the Commission received appeals for 135 buildings affecting 2,412 rental units on orders the Residential Tenancies Branch issued under Part 9 of *The Residential Tenancies Act*.

The Commission processed appeals on orders for 106 buildings affecting 1,645 rental units in the 2010 calendar year. The Commission upheld orders on 63 units in 15 buildings and varied orders on 754 units in 39 buildings. These variations sometimes occurred because the Commission received information at the appeal hearing that the Branch did not have before issuing its decision. Appeals in 52 other buildings affecting 828 units were either rejected by the Commission or withdrawn by the appellant.

There is no appeal to the Court of Appeal on rent regulation matters.

TABLE 2 - APPEALS
STATISTICAL SUMMARY FOR MANITOBA
PART 9 OF THE RESIDENTIAL TENANCIES ACT

	January 1, 2009 – December 31, 2009		January 1, 2010– December 31, 2010	
	Bldgs.	Units	Bldgs.	Units
APPLICATION - LAUNDRY INCREASE				
Carried forward from previous year	0	0	0	0
Appeals Received	1	2	0	0
TOTAL	1	2	0	0
Decisions Confirmed	1	2	0	0
ACTIVE	0	0	0	0
APPLICATION - REHABILITATION				
Carried forward from previous year	1	2	1	11
Appeals Received	4	15	11	234
TOTAL	5	17	12	245
Decisions Confirmed	1	1	1	1
Decisions Varied	0	0	1	1
Appeals Withdrawn/Rejected	3	5	0	0
ACTIVE	1	11	10	243
LIFE LEASE				
Carried forward from previous year	0	0	0	0
Appeals Received	0	0	1	1
TOTAL	0	0	1	1
Decisions Confirmed	0	0	1	1
ACTIVE	0	0	0	0
TENANT OBJECTIONS TO GUIDELINE OR LESS				
Carried forward from previous year	1	1	0	0
Appeals Received	1	1	0	0
TOTAL	2	2	0	0
Decisions Confirmed	1	1	0	0
Decisions Varied	1	1	0	0
ACTIVE	0	0	0	0

TABLE 2 - APPEALS

STATISTICAL SUMMARY FOR MANITOBA PART 9 OF THE RESIDENTIAL TENANCIES ACT

	January 1, 2009 – December 31, 2009		January 1, 2010 – December 31, 2010	
	Bldgs.	Units	Bldgs.	Units
APPLICATION - WITHDRAWAL OF SERVICE				
Carried forward from previous year	1	1	0	0
Appeals Received	1	23	0	0
TOTAL	2	24	0	0
Decisions Confirmed	1	23	0	0
Decisions Varied	0	0	0	0
Appeals Withdrawn/Rejected	1	1	0	0
ACTIVE	0	0	0	0
COMPLIANCE				
Carried forward from previous year	6	55	3	37
Appeals Received	1	2	5	23
TOTAL	7	57	8	60
Decisions Confirmed	1	4	3	27
Decisions Varied	3	16	4	23
Appeals Withdrawn/Rejected	0	0	0	0
ACTIVE	3	37	1	10
APPLICATION - RENT INCREASE ABOVE GUIDELINE				
Carried forward from previous year	25	398	19	343
Appeals Received	86	1,202	118	1,932
TOTAL	111	1,600	137	2,275
Decisions Confirmed	10	30	10	34
Decisions Varied	39	1,074	34	730
Appeals Withdrawn/Rejected	44	153	52	828
ACTIVE	19	343	41	683

TABLE 2 - APPEALS**STATISTICAL SUMMARY FOR MANITOBA
PART 9 OF THE RESIDENTIAL TENANCIES ACT**

	January 1, 2009 – December 31, 2009		January 1, 2010– December 31, 2010	
	Bldgs.	Units	Bldgs.	Units
TOTAL APPEALS				
Carried forward from previous year	34	457	23	397
Appeals Received	94	1,245	135	2,190
TOTAL	128	1,702	158	2,581
Decisions Confirmed	15	61	15	63
Decisions Varied	43	1,091	39	754
Appeals Withdrawn/Rejected	48	159	52	828
ACTIVE	22	391	52	936

TABLE 3
APPEAL HEARINGS BY JUDICIAL DISTRICT
RESIDENTIAL TENANCIES COMMISSION

	<u>January 1, 2009 – December 31, 2009</u>	<u>January 1, 2010 – December 31, 2010</u>
Winnipeg	519	462
Altona	1	0
Beausejour	1	5
Brandon	7	12
Dauphin	1	1
Flin Flon	0	1
Morden	2	0
Portage la Prairie	2	3
Russell	3	0
Selkirk	4	5
Steinbach	3	2
The Pas	2	0
Thompson	2	4
	<hr/>	<hr/>
TOTAL	<u>547</u>	<u>495</u>

TABLE 4
APPLICATIONS FOR LEAVE TO APPEAL

	<u>January 1, 2009– December 31, 2009</u>	<u>January 1, 2010– December 31, 2010</u>
Granted	1	0
Denied	25	18
Withdrawn	3	2
Pending	<u>3</u>	<u>7</u>
TOTAL	<u>32</u>	<u>27</u>

SIGNIFICANT DECISIONS



Significant Decisions

1.

The landlord applied to the Branch for an Order of Possession on the basis that the tenant had caused an unreasonable disturbance to others in the rental complex. The Branch granted an Order of Possession and the tenant was ordered to leave the premises. The tenant appealed this Order to the Commission.

The landlord gave the tenant notice under Section 96(1)(a)(vi) of *The Residential Tenancies Act* (the Act) claiming that the tenant had breached his obligation under Section 73 of the Act by causing an unreasonable disturbance to others in the rental complex and requiring the tenant to move out. The landlord issued numerous warning letters to the tenant over a period of several years for creating a nuisance and disturbance in the building with excessive loud noises, banging, stomping, dragging noises across the floor, jumping, running and door slamming.

The tenant advised that his son was born in July 1998 and has a medical disability and it is sometimes difficult to control the volume of his voice. As well there are some occasions in which his son runs or jumps and he stated that on his own accord he laid down carpet in his suite to reduce these noises. He stated that he and his wife attempt to keep his son's running to a minimum and as soon as they catch him they stop him and redirect him to other activities.

The tenant filed a letter from a school social worker advising that the tenant's son has been diagnosed as being autistic and requires special care, both in his home environment, the school and the community. The social worker noted that the son is very connected to his community and moving would be very hard for him and will add an additional stress on the family, and parenting a child who is autistic is very demanding, challenging and stressful.

Under the Act the tenant has an obligation to minimize noise and disturbance to others and must take all reasonable steps to avoid unreasonably disturbing other tenants in the building, regardless of the reasons for the disturbance. The Commission, after hearing all the evidence, was satisfied that there were isolated incidents of loud noise from the tenant's rental unit, however, that the nature, frequency and duration of these events do not pass the threshold of constituting an unreasonable disturbance. The Commission was

not satisfied that the conduct of the tenant and his family in the rental unit constituted an objectively unreasonable disturbance.

The Commission also noted that the tenant's son suffers a medical disability. The Commission was satisfied that the isolated incidents of noise emanating from the tenant's rental unit were caused and related to the tenant's son's disability, namely his diagnosis of autism. The Commission determined that the noise from the tenant's rental unit does not constitute an unreasonable disturbance and took note that the Manitoba Human Rights Code provides that an individual may not be discriminated against on the basis of a medical disability.

Accordingly, the Commission granted the appeal and the Application for an Order of Possession was dismissed.

2.

A tenant appealed an Order of Possession made by the Branch. The landlord asked for an Order of Possession because of the tenant's hoarding of possessions, including a good deal of paper, which the landlord says constitutes a fire hazard thus endangering the lives and property of other tenants and the property of the landlord. The rental unit is in a row house.

In November 2009, a plumber attended at the rental unit to make a repair. He wrote an urgent letter of concern to the landlord stating that the tenant was hoarding and had shut off the breakers to the baseboard heaters and was using small electric heaters to heat the home. The landlord served the tenant with a Notice of Termination because the current condition of the home posed a serious fire and safety risk to the tenant and other tenants. Rather than enforcing this Notice of Termination the landlord met with the tenant to try to set up a plan to deal with the problem. The tenant was provided with boxes and a dumpster was put in place.

The landlord was concerned that no progress was being made and requested a fire and public health inspection. The fire inspector ordered that a minimum distance of 6 inches be maintained between baseboard heaters and combustible material. He further ordered that combustible materials should not be permitted to accumulate in quantities or locations that would constitute an undue fire hazard. He further stated that in his opinion the amount of combustibles in this unit greatly endangered the safety of others in the rental complex and this excessive fire load must be removed or reduced immediately, and he ordered that it be done within 30 days. The inspector further advised that the condition of the home also constituted a hazard to fire fighters in the event of a fire as paper and boxes were stacked 2/3 of the way up to the ceiling and the stairwell contained boxes and bags of material.

A public health inspector also made a Health Hazard Order under The Public Health Act ordering the following action to be taken:

1. Remove excess amounts of waste materials, recyclables, clutter, rubbish and unnecessary combustible items and dispose of them in an approved manner.

2. Remove unserviceable refrigeration/freezer units and dispose of contents/spoiled food items in a manner that will not create an insanitary (sic) condition or subsequent health hazard situation.
3. Repair the main floor ceiling that has been impacted by a previous sewage leak.

The landlord gave the tenant 24 hours written notice of entry to re-inspect. The tenant refused access to the landlord and became very agitated. She was therefore served with another Notice of Termination by the landlord to vacate by September 30, 2010. Prior thereto the tenant dropped a letter off at the landlord's office outlining a plan to deal with her possessions in an expedited fashion. This plan was not followed by the tenant. Thus the landlord gave her another Notice of Termination. The landlord was concerned that there was no improvement in the condition of the unit from the date on which the fire inspector and public health inspections took place. The tenant was therefore given another Notice of Termination when she also refused to let the landlord and the inspectors in to inspect her unit. The tenant then was given a 5 day Notice of Termination by the landlord. The tenant when receiving this notice acknowledged to the landlord that there had been a small fire in her unit that she put out herself and that she did not call the fire department or notify the landlord because she was afraid they would order her to get rid of her stuff.

The Commission found that based on the inspection reports and the testimony of the fire inspector, the state of the rental unit was such that it posed an immediate risk to the safety and property rights of the landlord and other tenants. There was a clear contravention of Section 74 and the landlord was entitled to terminate the tenancy after giving a 5 day notice.

The tenant indicated to the landlord that she had medical reasons that have affected her ability to cope with this problem, however, the landlord had attempted to assist the tenant but to no avail. It had been over a year since the problem was identified by the plumber and the matter had not yet been resolved. The Commission found that it was much too dangerous a situation to allow it to continue and found that it was necessary to make an Order of Possession for the protection of the other tenants. The Commission therefore granted an Order of Possession effective 7 days from the date of the hearing.

3.

A property manager for the landlord submitted an application for approval of a rehabilitation scheme for a single unit. After considering the information provided by the landlord and an inspection report from its housing inspector, the Branch issued an Order granting the landlord an exemption from Part 9 subject to conditions listed in Schedule "A" attached to the Order. The Order was mailed and faxed to the landlord's property manager.

The Branch subsequently mailed another letter to the landlord's property manager setting out that the rehabilitation application indicated that the completion of the renovation was to be done by a certain date. The letter further advised the following:

1. The landlord had to provide all invoices to the Branch.
2. Once the invoices were received and reviewed a final inspection had to be arranged.
3. A final order must be issued. The Order would include the exemption date of the unit and no increase in the rent could be taken until a final order had been issued.

Many months later the Branch received a copy of a Notice to New Tenant Form for this unit which was provided by the landlord to the new tenant advising that the previous rent was \$526.00 and the present rent was to be \$725.00. It erroneously indicated that the unit was exempt as per a rehabilitation scheme.

As per arrangements made with the landlord's property manager, the Branch performed an inspection of the unit and pursuant to the Branch's inspection another letter was faxed and mailed to the landlord's property manager indicating that the unit was inspected for conformance to the Branch's previous order and compliance to the appropriate codes and by-laws. The letter further indicated that there were problems that needed to be corrected prior to issuing a final order exempting the unit from Part 9 of the *Act*. The Branch mailed another letter to the landlord approximately 6 weeks later, referencing its previous letter which set out the landlord's requirements and indicated that the landlord must ensure that the issues were complied with, a final inspection was to be arranged and that the landlord forward the invoices with respect to the rehabilitation to the Branch forthwith. This letter further stated that if the conditions were not met the Branch would issue an Order denying the unit by unit rehabilitation scheme.

Approximately 2 months later the Branch issued an Order indicating that as the conditions previously set out were not met the exemption from Part 9 of the *Act* was not granted and any future rent increases were limited by the *Act*. Approximately 3 months after this order was issued the landlord submitted invoices for the work that was completed for the rehabilitation scheme for the unit, and 2 days thereafter the Branch conducted an inspection of the unit and subsequently issued an Amended Order to correct the original initial order.

The landlord indicated that the majority of the work was completed prior to March 1, 2008 which was the date that the rental unit was rented to a new tenant. The final inspection by the Branch's housing inspector noted some deficiencies and that all of these were corrected.

The landlord's property manager explained that she became seriously ill in March 2008 and she was off work for approximately 1 year. She suffered from cognitive dysfunction and could not read or function and was gravely ill and hospitalized.

The landlord's property manager further indicated that she did not understand that the Branch needed to perform another inspection to confirm that all of the work was done before the rental unit would become exempt from Part 9 of the *Act*. This apparently did not come to her attention until the Branch contacted the landlord approximately 18 months later and notified them they were charging too much rent.

Because the landlord's property manager did not understand that a further inspection was required the matter was not delegated to another employee of the landlord in her absence. The Branch subsequently conducted an inspection of the residential complex and determined that all of the remedial work had been done.

The Commission found that the landlord was not aware of the necessity of the second inspection because of the nature and extent of its property manager's illness. The Commission also found that the landlord was in compliance with the Order of the Branch on the date the new tenant moved in to the unit, and the Order for exemption from Part 9 would therefore have been granted.

The Commission found that the work for the rehabilitation of the unit was substantially completed by the date the tenant moved in, and was in excess of the required minimum of \$5000.00 as per the invoices submitted by the landlord. Accordingly as per Sections 133, 134 of the *Act* and *Residential Rent Regulation* 12.1(7)(b), the Commission ordered the following:

1. The conditions be removed for the unit and the exemption from Part 9 of the *Act* for this unit is to go into effect as of the date in which the unit was rented to the new tenant;
2. The exemption period to be for 2 years commencing on the date the unit was rented to the new tenant;
3. The landlord must provide tenants with at least 3 months notice of a rent increase; and
4. The landlord is entitled to one rent increase per 12 month period.

The Public Interest Disclosure (Whistleblower Protection) Act

The Public Interest Disclosure (Whistleblower Protection) Act came into effect in April 2007. This law gives employees a clear process for disclosing concerns about significant and serious matters (wrongdoing) in the Manitoba public service, and strengthens protection from reprisal. The Act builds on protections already in place under other statutes, as well as collective bargaining rights, policies, practices and processes in the Manitoba public service.

Wrongdoing under the Act may be: contravention of federal or provincial legislation; an act or omission that endangers public safety, public health or the environment; gross mismanagement; or, knowingly directing or counseling a person to commit a wrongdoing. The Act is not intended to deal with routine operational or administrative matters.

A disclosure made by an employee in good faith, in accordance with the Act, and with a reasonable belief that wrongdoing has been or is about to be committed is considered to be a disclosure under the Act, whether or not the subject matter constitutes wrongdoing. All disclosures receive careful and thorough review to determine if action is required under the Act, and must be reported in a department's annual report in accordance with Section 18 of the Act. The Residential Tenancies Commission has received an exemption from the Ombudsman under Section 7 of the Act. As a result any disclosures received by the Chief Commissioner or a supervisor are referred to the Ombudsman in accordance with the exemption.

The following is a summary of disclosures received by the Residential Tenancies Commission for the 2010 calendar year:

Information Required Annually (per Section 18 of the Act)	January 1, 2010 to December 31, 2010
The number of disclosures received, and the number acted on and not acted on. <i>Subsection 18(2)(a)</i>	NIL